

MEMORANDUM

Engineering Division



To: Honorable Mayor and City Council
Through: Greg Armendariz, City Engineer
From: Doug De Vries, Associate Engineer
By: Jimmy Nguyen, Assistant Engineer
Subject: **2005 Street Slurry Seal, Project 4223
Black Aggregate Specification**

Date: July 26, 2005

Background: Staff has received a bid protest from Granite Rock Company alleging the City specification for black aggregate 1) "may violate Public Contract code, because as a practical matter, it limits the bidding to a single supplier" and 2) "results in a waste of taxpayer dollars." Granite Rock was not a bidder, however they are suppliers of a gray aggregate which does not meet the specification due to its color.

Analysis: City's specifications do not reference a sole source supplier of black aggregate. The specification is performance based and describes the gradation, sand equivalency, durability, and color of the product to be used.

There are at least two material suppliers for the black aggregate. The processed black aggregate slurry material is available at the George Reed Quarry near Jamestown, CA and at the Martin Marietta Quarry near Sparks Nevada. Martin Marietta also has another quarry near Oroville, CA that has the base material to make the aggregate but does not yet have the equipment to process the materials to the sizes and gradations required in the city specification. However the material could be shipped by rail or road to some other quarry that has the equipment to process the raw materials. The City Attorney's Office has reviewed the matter and has provided the opinion that the specification is **NOT** in violation of the Public Contract Code.

Over the last ten years the City has tried many different types of roadway seals including chip seal, cape seal, sand slurry, seal with gray aggregate and seal with black aggregate. Besides cost considerations, the city's engineering and maintenance personnel evaluated and determined from experience that a Caltrans slurry seal with black aggregate was best suited for Milpitas.

It provides a mix of features that the City desires. Black aggregate is aesthetically superior, and provides a better contrast with the white lines and traffic legends, which results in an additional safety factor. Black aggregate has been specified for the City's slurry seal project for the past six years and we wish to maintain uniform roadway surface throughout the City. These benefits outweigh the additional cost for this black aggregate, of approximately 5-15% higher than gray aggregate, or approximately \$5,000 to \$8,000 annually.

Recommendation: In summary staff recommends that the City continue to use the slurry seal specification with black aggregate.

**CITY OF MILPITAS
ENGINEERING DIVISION
BID SUMMARY**

JOB TITLE: 2005 Street Slurry Seal													
PROJECT NO 4223													
Bid Date: June 10,2005													
		Qty	Unit	Engineers Estimate		American Asphalt Repair & Resurfacing Co., Inc		Bond Blacktop, Inc		Valley Slurry Seal Company		Graham Contractors, Inc	
ITEM NO.	DESCRIPTION			Unit	Extension	Unit	Extension	Unit	Extension	Unit	Extension	Unit	Extension
1	Mobilization	1	LS	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$1.00	\$1.00	\$5,000.00	\$5,000.00	\$5,000.00	\$8,000.00
2	Traffic Control	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$4,000.00	\$4,000.00	\$3,500.00	\$3,500.00	\$20,000.00	\$20,000.00
3	Remove Existing Stripes & Pavement Markers	1	LS	\$5,000.00	\$5,000.00	\$1,425.00	\$1,425.00	\$1,890.00	\$1,890.00	\$1,500.00	\$1,500.00	\$1,650.00	\$1,650.00
4	Latex Type II Slurry Seal	1	LS	\$50,439.00	\$50,439.00	\$35,000.00	\$35,000.00	\$14,200.00	\$14,200.00	\$45,319.00	\$45,319.00	\$40,995.00	\$40,995.00
5	Base Repair 4"	8000	SF	\$5.00	\$40,000.00	\$4.50	\$36,000.00	\$5.52	\$44,160.00	\$4.41	\$35,280.00	\$7.40	\$59,200.00
6	Rubberized Asphalt Crack Seal	1	LS	\$10,000.00	\$10,000.00	\$5,000.00	\$5,000.00	\$27,000.00	\$27,000.00	\$5,000.00	\$5,000.00	\$9,750.00	\$9,750.00
7	Adjusting Appurtenances - Water Valve/Clean Out												
7	Cathodic Protection	2	EA	\$500.00	\$1,000.00	\$200.00	\$400.00	\$540.00	\$1,080.00	\$2,625.00	\$5,250.00	\$850.00	\$1,700.00
8	Adjusting Appurtenances - Sewer/Storm Manhole	2	EA	\$600.00	\$1,200.00	\$200.00	\$400.00	\$540.00	\$1,080.00	\$1,575.00	\$3,150.00	\$850.00	\$1,700.00
9	Pavement Delineation - Blue Reflective Markers	14	EA	\$20.00	\$280.00	\$10.00	\$140.00	\$12.00	\$168.00	\$10.50	\$147.00	\$10.00	\$140.00
10	Pavement Delineation (12" Painted White - Stop Bar/Crosswalk)	475	LF	\$3.00	\$1,425.00	\$2.20	\$1,045.00	\$2.70	\$1,282.50	\$2.31	\$1,097.25	\$2.20	\$1,045.00
11	Pavement Delineation (Painted Legends)	198	SF	\$4.00	\$792.00	\$2.50	\$495.00	\$3.00	\$594.00	\$2.62	\$518.76	\$2.50	\$495.00
12	Pavement Delineation (Detail 23)	432	LF	\$2.00	\$864.00	\$2.00	\$864.00	\$3.00	\$1,296.00	\$2.10	\$907.20	\$2.00	\$864.00
13	City Survey Monument Tie-Out	2	EA	\$1,000.00	\$2,000.00	\$200.00	\$400.00	\$500.00	\$1,000.00	\$2,625.00	\$5,250.00	\$950.00	\$1,900.00
	Total				\$128,000.00		\$96,169.00		\$97,751.50		\$111,919.21		\$147,439.00
							Apparent Low Bid						